



Express Mail Label No. EV 678 763 302 US
Attorney Docket No. 2071/US/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Gary Piaget et al.

Application No. 10/789,294

Filed: February 26, 2004

For: EXERCISE DEVICE WITH TREADLES

Confirmation No.: 7642

Art Unit: 3764

Examiner: Crow, Stephen R.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
(Under 37 C.F.R. § 1.97(b)(4) and § 1.98) AND
STATEMENT OF RELATEDNESS (Under M.P.E.P. § 2001.06(b))**

Sir:

The Examiner is requested to consider the references noted on the enclosed Form PTO/SB/08A during examination of the above-identified patent application. The references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting the references, no representation is made or implied that the references are or are not material to the examination of the application in accordance with 37 C.F.R. 1.97(h). The Examiner is requested to review all cited references and is encouraged to make his or her own determination of materiality of all cited references on attached Form PTO/SB/08A. Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the U.S. patent application publication references are not provided, unless required by the Office. Copies of the foreign and non-patent literature documents are provided herewith.

The following foreign references are not in the English language:

- (1) German patent Nos. 380370; 22 25 342; 24 08 052; 24 08 055; and 24 28 515 A;
- (2) Taiwan patent Nos. 472593 and 547102.

Therefore, in compliance with 37 C.F.R. § 1.98(a)(3)(i), an English translation of the abstract (from Derwent or esp@cenet Database – Worldwide located at <http://ep.espacenet.com>) or an

Express Mail Label No. EV 678 763 302 US
Application No. 10/789,294
Attorney Docket No. 2071/US/2

English translation of the claim or complete English translations are attached to these patents, which are enclosed, to satisfy the requirement for a concise explanation of relevance.

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), the Examiner is requested to consider the following applications commonly owned by the Assignee of the present application and that may include subject matter similar to that of the present application:

- (1) U.S. application No. 29/176,966, filed February 28, 2003, (Atty. Dkt. No. 2074/US), pending;
- (2) U.S. application No. 10/637,628, filed August 11, 2003, (Atty. Dkt. No. 34037/US), pending;
- (3) U.S. application No. 10/789,182, filed February 26, 2004, (Atty. Dkt. No. 2072/US/2), pending;
- (4) U.S. application No. 10/789,579, filed February 26, 2004, (Atty. Dkt. No. 2076/US/2), pending;
- (5) U.S. application No. 10/962,256, filed October 8, 2004, (Atty. Dkt. No. 33526/US/2), pending;
- (6) U.S. application No. 29/201,898, filed March 22, 2004, (Atty. Dkt. No. 34105/US), pending; and
- (7) U.S. application No. 29/211,459, filed August 16, 2004, (Atty. Dkt. No. 34769/US), pending.
- (8) U.S. application No. 11/065,891, filed February 25, 2005 (Atty. Dkt. No. 34005/US/2), pending;
- (9) U.S. application No. 11/067,538, filed February 25, 2005 (Atty. Dkt. No. 34006/US/2), pending;
- (10) U.S. application No. 11/065,770, filed February 25, 2005 (Atty. Dkt. No. 34007/US/2), pending; and
- (11) U.S. application No. 11/065,746, filed February 25, 2005 (Atty. Dkt. No. 34103/US/2), pending.

This Information Disclosure Statement is filed concurrently with the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. Accordingly, pursuant to 37 C.F.R.

Express Mail Label No. EV 678 763 302 US
Application No. 10/789,294
Attorney Docket No. 2071/US/2

§ 1.97(b)(4), no fees are due with respect to this filing. However, should any fees be deemed necessary, such fees may be charged to Deposit Account No. 04-1415.

If the Examiner has any questions, please contact the undersigned attorney.

Dated: May 19, 2006.

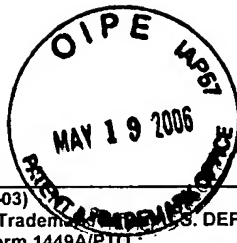
Respectfully submitted,



Charles R. Matson, Reg. No. 52,006
DORSEY & WHITNEY, LLP
370 Seventeenth Street, Suite 4700
Denver, CO 80202-5647
Tel: (303) 629-3400
Fax: (303) 629-3450

USPTO Customer No.: 20686

Enclosures



Express Mail Label No. EV 678 763 302 US

PTO/SB/08A (08-03) U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	APPLICATION NO.: 10/789,294	FILING DATE: February 26, 2004
	FIRST NAMED INVENTOR: Gary Piaget et al.	ART UNIT: 3764
	EXAMINER NAME: Crow, Stephen R.	ATTY. DOCKET NO.: 2071/US/2

U.S. PATENT DOCUMENTS					
EXAMINER INITIALS*	Cite No. ¹	PATENT NUMBER	ISSUE DATE	Name of Patentee of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (If known)	MM-DD-YYYY		
		219,439	09/09/1879	Blend	
		1,166,304	12/28/1915	Albert	
		2,374,730	05/01/1945	Catlin	
		3,316,898	05/02/1967	Brown	
		3,408,067	10/29/1968	Armstrong	
		3,511,500	05/12/1970	Dunn	
		3,525,522	08/25/1970	Piller	
		3,529,474	09/22/1970	Olson, et al.	
		3,704,886	12/05/1972	Kay et al.	
		3,741,540	06/26/1973	Shimizu	
		3,792,860	02/19/1974	Selnes	
		3,814,420	06/04/1974	Encke	
		3,970,302	07/20/1976	McFee	
		4,185,622	01/29/1980	Swenson	
		4,423,864	01/03/1984	Wiik	
		4,563,001	01/07/1986	Terauds	
		4,600,187	07/15/1986	Schenker	
		4,632,385	12/30/1986	Geraci	
		4,645,200	02/24/1987	Hix	
		4,659,077	04/21/1987	Stropkay	
		4,679,786	07/14/1987	Rodgers	
		4,685,666	08/11/1987	DeCloux	
		4,733,858	03/29/1988	Lan	
		4,813,667	03/21/1989	Watterson	
		4,838,543	06/13/1989	Armstrong et al.	
		4,842,268	06/27/1989	Jenkins	
		4,850,585	07/25/1989	Dalebout	
		4,900,013	02/13/1990	Rodgers, Jr.	
		4,940,233	07/10/1990	Bull et al.	
		4,949,954	08/21/1990	Hix	
		4,989,857	02/05/1991	Kuo	
		5,000,443	03/19/1991	Dalebout et al.	
		5,013,031	05/07/1991	Bull	
		5,026,046	06/25/1991	DeCloux	
		5,039,087	08/13/1991	Kuo	
		5,039,088	08/13/1991	Shifferaw	

U.S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	PATENT NUMBER	ISSUE DATE	Name of Patentee of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)	MM-DD-YYYY		
		5,040,785	08/20/1991	Charnitski	
		5,062,627	11/05/1991	Bingham	
		5,071,115	12/10/1991	Welch	
		5,078,389	01/07/1992	Chen	
		5,090,690	02/25/1992	Huang	
		D326,491	05/26/1992	Dalebout	
		5,129,872	07/14/1992	Dalton et al.	
		5,129,873	07/14/1992	Henderson et al.	
		5,131,895	07/21/1992	Rogers, Jr.	
		5,145,481	09/08/1992	Friedebach	
		5,149,084	09/22/1992	Dalebout et al.	
		5,163,888	11/17/1992	Stearns	
		5,180,353	01/19/1993	Snyderman	
		5,183,448	02/02/1993	Wang	
		5,186,697	02/16/1993	Rennex	
		5,188,577	02/23/1993	Young et al.	
		5,207,621	05/04/1993	Koch et al.	
		5,226,866	07/13/1993	Engel et al.	
		5,238,462	08/24/1993	Cinke et al.	
		5,246,410	09/21/1993	Fun	
		5,254,067	10/19/1993	Habing et al.	
		5,256,117	10/26/1993	Potts et al.	
		5,267,923	12/07/1993	Piaget et al.	
		5,279,529	01/18/1994	Eschenbach	
		5,290,211	03/01/1994	Stearns	
		5,295,928	03/22/1994	Rennex	
		5,299,992	04/05/1994	Wilkinson	
		5,299,993	04/05/1994	Habing	
		5,318,490	06/07/1994	Henderson et al.	
		5,338,271	08/16/1994	Wang	
		5,344,371	09/06/1994	Wang	
		5,372,560	12/13/1994	Chang	
		5,374,227	12/20/1994	Webb	
		5,401,226	03/28/1995	Stearns	
		5,411,454	05/02/1995	Chang	
		Re. 34,959	05/30/1995	Potts	
		5,429,563	07/04/1995	Engel et al.	
		5,445,583	08/29/1995	Habing	
		5,499,956	03/19/1996	Habing et al.	
		5,584,781	12/17/1996	Chen	
		5,595,555	01/21/1997	Chen	
		5,605,521	02/25/1997	Hsieh	
		5,613,924	03/25/1997	Lee	
		5,624,354	04/29/1997	Chen	
		5,643,140	07/01/1997	Tsai	

U.S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	PATENT NUMBER	ISSUE DATE	Name of Patentee of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)	MM-DD-YYYY		
		5,643,153	07/01/1997	Nylen et al.	
		5,658,223	08/19/1997	Habing et al.	
		5,720,698	02/24/1998	Dalebout et al.	
		D392,006	03/10/1998	Dalebout et al.	
		5,741,205	04/21/1998	Doll et al.	
		5,749,807	05/12/1998	Webb	
		5,803,880	09/08/1998	Allen	
		5,810,696	09/22/1998	Webb	
		5,876,307	03/02/1999	Stearns et al.	
		5,882,281	03/16/1999	Stearns et al.	
		5,897,459	04/27/1999	Habing et al.	
		5,908,373	06/01/1999	Pitre	
		5,964,682	10/12/1999	Sokol	
		5,989,163	11/23/1999	Rodgers, Jr.	
		6,042,518	03/28/2000	Hildebrandt et al.	
		6,106,439	08/22/2000	Boland	
		6,123,650	09/26/2000	Birrell	
		6,152,859	11/28/2000	Stearns	
		6,165,107	12/26/2000	Birrell	
		6,183,397 B1	02/06/2001	Stearns et al.	
		6,206,804 B1	03/27/2001	Maresh	
		6,302,830 B1	10/16/2001	Stearns	
		6,626,802 B1	09/30/2003	Rodgers, Jr.	

U.S. PUBLICATION DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	PUBLICATION NUMBER	PUBLICATION DATE	Name of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)	MM-DD-YYYY		
		2004/0209738 A1	10/21/2004	Crawford et al.	
		2004/0214693 A1	10/28/2004	Piaget et al.	
		2004/0248709 A1	12/09/2004	Rodgers, Jr.	
		2005/0026752 A1	02/03/2005	Lull et al.	
		2005/0037898 A1	02/17/2005	Chang	
		2005/0202939 A1	09/15/2005	Lull et al.	
		2005/0209061 A1	09/22/2005	Crawford et al.	
		2005/0209059 A1	09/22/2005	Crawford et al.	
		2005/0209060 A1	09/22/2005	Lull	
		2005/0233864 A1	10/20/2005	Smith et al.	
		2006/0003868 A1	01/05/2006	Lull et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS ¹	Cite No. ¹	DOCUMENT NUMBER	PUBLICATION DATE	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² – Number ⁴ – Kind Code ⁵ (if known)	MM-DD-YYYY			
		DE 380370	09/06/1923	Gottschalk, P.		
		DE 22 25 342	12/06/1973	SUSPA FEDERUNGSTECH		
		DE 24 08 052 A	08/28/1975	SUSPA FEDERUNGSTECH		
		DE 24 08 055	08/28/1975	SUSPA FEDERUNGSTECH		
		DE 24 28 515 A	01/02/1976	Kachel, Gustav		
		EP 0 334 608 A2	09/27/1989	Lee, R. Clayton and Meredith, Jeffrey O.		
		EP 0 417 970 A1	03/20/1991	Sibbring, Ronald		
		GB 1 505 702	03/30/1978	SUSPA FEDERUNGSTECH		
		TW 472593	01/11/2002	Greenmaster Ind. Corp.		
		TW 547102	08/11/2003	Gau, Jung-Jr		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS ¹	Cite No. ²	Include name of Author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ³
		"A Brief Look At Airpot", Catalog, Airpot Corp., pp. 1-15 (1982).	
		Owner's Manual for Weider Flex CTS Cross Training System for Model No. 870300, Weslo, Inc., a Weider Heal and Fitness, Inc. Company, pages 1-12 (March 1990).	
		Catalog, Diamond House International Inc., date unknown.	
		<u>Men's Fitness</u> , "It's a stairmill....It's a treadclimber....It's an EFX", 2 pages, November 1996.	
		"Nautilus Home Health & Fitness Catalog", Nautilus, Inc., pages 1-56 (2004).	

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.